REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
28 AUG 2026
PRINCIPAL REGISTRY
P.O. BOX 50067, LUSAKA

**IN THE HIGH COURT FOR ZAMBIA** **2026/HP/ 018**
**AT THE PRINCIPAL REGISTRY**
**HOLDEN AT LUSAKA**
**(Civil Jurisdiction)**

**IN THE MATTER OF: THE PARLIAMENTARY ELECTION PETITIONFOR LUBANSENSHI CONSTTUENCY SITUATE IN THE LUWINGU DISTRICT IN THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026**

**AND**

**IN THE MATTER OF: ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

**AND**

**IN THE MATTER OF: SECTION 81 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

**AND**

**IN THE MATTER OF: SECTION 83 AND 87 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

**AND**

**IN THE MATTER OF: SECTIONS 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

**AND**

**IN THE MATTER OF: THE SCHEDULE TO THE ELECTORAL PROCESS ACT NO 35 OF 2016**

**AND**
**IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO.52 OF 2011**

**AND**
**IN THE MATTER OF: THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016**

**BETWEEN:**

**INNOCENT MULENGA KOLALA** **PETITIONER**

**AND**

**GEORGE K MWAMBA** **1ST RESPONDENT**

**ELECTORAL COMMISSION OF ZAMBIA** **2ND RESPONDENT**

## PETITIONER'S LIST OF DOCUMENTS

The following is the List of Documents relating to this matter which have been in the possession, custody or power of the Petitioner and his witnesses, which list is hereby filed –

1. National Assembly nomination paper
2. Government of the Republic of Zambia Receipt
3. Letter to more than one candidate
4. Notice of contested for the National Assembly election
5. Notification of nominations received
6. Candidate's details confirmation form
7. Flash disk containing videos
8. Such other relevant documents as may be necessary or any documents whose production is compellable by way of *Subpoena Duces Tecum*

Dated this..... day of.....2026

Per.....

**Messrs PNP Advocates**
Plot No. 28, Mpulungu Road
Olympia Park
P.O Box 50034, Ridgeway
Email: pnpadvocates1@gmail.com
Lusaka
**(Advocates for the Plaintiff)**

**TO: George K Mwamba**
Lusaka

REPUBLIC OF ZAMBIA - GENERAL RECEIPT Nº C 1220317

N DUPLICATE
Accounts Form 40

Original: To payer
Duplicate: To support Cash Account
Triplicate: File copy
Quadriplicate: To be retained for Audit

Received from INNOCENT MULENGA KOLALA

Sum of Kwacha SEVENTEEN THOUSAND KWACHA ONLY | K 17,000.00

On account of NOMINATION FEE

Details and references FOR PAYMENT FOR NATIONAL ASSEMBLY NOMINATION

Cash / Cheque

OFFICIAL STAMP

Signature

Designation ARO

Use ink only. No erasures allowed.

Gen 7
(Complete in triplicate)

95001464

2

# REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016**
**(Act No.35 of 2016)**
**The Electoral Process (General) Regulations, 2016**
*(Regulation 12(1))*

## NATIONAL ASSEMBLY NOMINATION PAPER (PART A)

To: The Returning Officer, LUBANSENSHI Constituency LUWINGU District.

We the undersigned being registered voters in the abovenamed Constituency ,do hereby nominate:

Surname (in BLOCK CAPITALS) KOLALA

First name (in BLOCK CAPITALS) INNOCENT

** Other Names MULENGA

National Registration Card No. 181104 441

Voter's Card No. 24760066

Gender: M PLOT 236/237 MEANWOOD Mobile Phone No. 0974055590 MITUMBI LUSAKA

Residential Address: N/A

Postal Address: LUBANSENSHI LUWINGU

To stand as a candidate for election in the ..... Constituency in ..... District.

Please Fill the Section in Block Capitals

I, (Surname) KOLALA MULENGA (First name) INNOCENT

(Other Names):

Hereby declare:

1. That I accept the nomination;
2. * That my nomination is supported by the ..... political party and I have been a member for ..... the party symbol is CANDLE
   * That I am an independent candidate and my symbol is LOMBE CHILESHE
3. That I have appointed, (Full name) SALI LUWINGU
   Of (address)
   to be my Election Agents in accordance with the regulations.
4. An affidavit stating that I qualify for election as a Member of Parliament is hereby lodged.

21/05/2026

(Date) (Signature of Candidate)

Received by me at 09:40 hours on the 21ST day of MAY 20 26

*VALID/~~INVALID~~ Receipt No: 1220317 Amount K17000=00

Rejection Reason (if invalid):

MISAPA JULIUS CHIKONKOLO

(Name of Returning Officer) (Signature of Returning Officer)

* Delete whichever is not applicable

**Note that only initials will be used for other names on the ballot paper



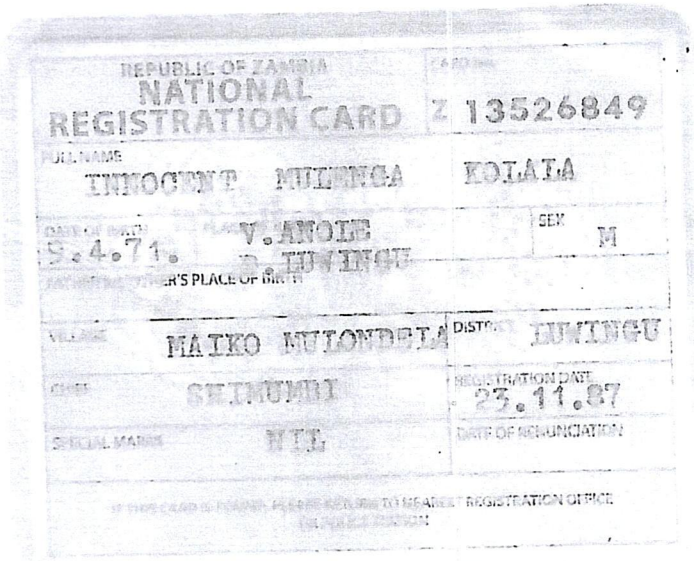
REPUBLIC OF ZAMBIA
JUDICIARY HEADQUARTERS

27 APR 2026

REGISTRAR OF THE SUPREME COURT
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

CERTIFIED TRUE COPY
OF THE ORIGINAL

SIGNATURE



ECZ 6
(In triplicate)

3

**ELECTORAL COMMISSION OF ZAMBIA**
**The Electoral Act**
**The Electoral (General) Regulations**
**(Regulation 20)**

# LETTER TO MORE THAN ONE CANDIDATE

**Date:** 22/5/2026

KOLALA INNOCENT M

.....

.....

**Dear** KOLALA INNOCENT, M

In terms of regulation 20 of the Electoral (General) Regulations, 2016, you have been validly nominated as a candidate in the forthcoming election for NATIONAL ASSEMBLY *District/ Constituency/ward.

**Election Symbol**

It is noted from your nomination paper that you will be standing as: *a candidate for..... ~~Party~~/*Independent candidate. In accordance with Regulation 10, you have been allocated with the election symbol of

a..... CANDLE .....

This is the only symbol you may use in canvassing for the election and this will be the symbol which will appear against your name on the ballot papers on polling day.

**Place and Time of the Count**

I am to inform you, in accordance with Regulation 46, that the counting of the votes will commence at all polling stations immediately after the close of poll.

**Verification of Ballot Paper Accounts**

I am to inform you, in accordance with Regulation 55, that the verification of ballot paper accounts will commence at TBA (place) at TBA hours on 19TH-23RD AUG 2026

**P.T.O**

**Briefing of Polling Agents**

I should be grateful if you or your Election Agents with all your Poling Agents would report to

.....TBA.....(place) at.....TBA..... hours on

8/8.....20 26....., so that I may explain the conditions under which your agents may enter a polling station and administer the Oath/Affirmation, as required by the Electoral (General) Regulations, 2016.

If you have any query, please see me personally.

Yours faithfully,

Signature.....

Name.....HISAPA JULIUS CHIKONKO.....

**RETURNING OFFICER**

.....LUBANSENSHI..... Constituency

.....LUWINGU..... District

cc. The Chief Electoral Officer
Electoral Commission of Zambia
P O Box 50274
**LUSAKA**

***Delete where inapplicable**

4

# ELECTORAL COMMISSION OF ZAMBIA
## The Electoral (General) Regulations, 2016
## (Regulation 23)

## NOTICE OF CONTESTED FOR THE NATIONAL ASSEMBLY ELECTION

Notice is hereby given in accordance with Regulation 23 of the Electoral (General) Regulations, 2016 that the poll in **LUBANSENSHI** Constituency will be taken on the **13 day of August 2026**.

The candidates in the election and the symbols with which they will be associated are as follows:

| | Names of Candidates | Political Party / Indep. | Symbol |
|---|---|---|---|
| 1 | MWAMBA GEORGE | National Reconcilation Party For Unity And Prosper |  |
| 2 | CHEWE KABWE | United Party for National Development |  |
| 3 | KOLALA INNOCENT | Independent |  |

Signature:

Name: MISAPA JULIUS CHIKONKOLO

RETURNING OFFICER/ELECTION OFFICER

Date: 23/05/2026

Constituency: LUBANSENSHI

District: LUWINGU

REPUBLIC OF ZAMBIA

The Electoral (General) Regulations

(Regulations 29)

# NATIONAL ASSEMBLY ELECTION

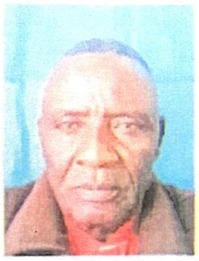
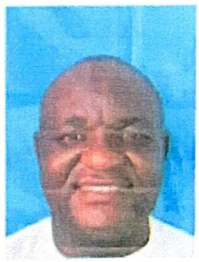
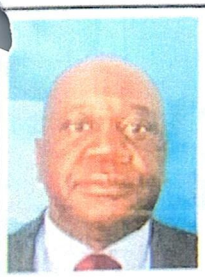
**13th August 2026**

5

Constituency ID & Name 31070099 LUBANSENSHI

## INSTRUCTIONS:

VOTE for ONE candidate ONLY by marking one cross in the blank box opposite the name and symbol of the candidate for whom you wish to vote. DO NOT make any other mark on this ballot paper by which you can be identified.

| Photo of Candidate | Names of Candidate | Party Symbol | Party | Mark X In This Column |
|---|---|---|---|---|
|  | MWAMBA GEORGE | | National Reconcilation Party For Unity And Prosper | |
|  | CHEWE KABWE | | United Party for National Development | |
|  | KOLALA INNOCENT | | Independent | |

EC 5
(In triplicate)

6

# ELECTORAL COMMISSION OF ZAMBIA

**The Electoral Act**
**Electoral (General) Regulations**
(Regulation 20)

## NOTIFICATION OF NOMINATIONS RECEIVED

The Chief Electoral Officer
Electoral Commission of Zambia
P.O. Box 50274
**LUSAKA**

Date 22 MAY, 2026

LUANGU Council

Dear Sir/Madam

During the period appointed for the receipt of nominations of candidates for the forthcoming elections in NATIONAL ASSEMBLY Ward / District.

1. I have received the following valid nominations:

| No. | Names of Candidates* | Political Party/ Independent | Symbol |
|---|---|---|---|
| 1 | MWAMBA GEORGE K | NRPUP | A LAMP |
| 2 | CHEWE KABWE T | UPND | FORWARD HAND |
| 3 | KOLALA INNOCENT M | INDEPENDENT | CANDLE |
| | | | |
| | | | |
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| | | | |
| | | | |

* List candidates in alphabetical order of Surnames

P.T.O

95001464

# ELECTORAL COMMISSION OF ZAMBIA

## NATIONAL ASSEMBLY ELECTION

## CANDIDATE DETAILS CONFIRMATION FORM

Constituency Name, ***LUBANSENSHI, 31070099***

| **Candidate's Name on NRC** | | **Candidate's Name on Ballot Paper** | |
|---|---|---|---|
| **Surname:** | *KOLALA* | **Surname:** | *KOLALA* |
| **First name:** | *INNOCENT* | **First name:** | *INNOCENT* |
| **Initials:** | *M* | **Initials:** | *M* |

**Gender:**

***M***

**National registration card number:**

***181104/44/1***

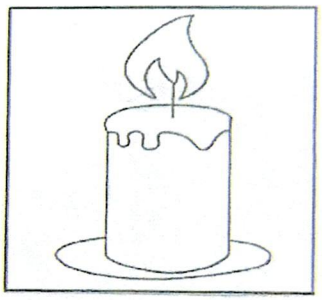
**Residential address of Candidate:**

***236/237 MEANWOOD MITUMBI, LUSAKA***

**Postal address of Candidate:**



**Portrait**



**Symbol**

**Sponsor:**

***Independent***

**Full Names of Election Agents:**

***LOMBE CHILESHE***

*Signature of Candidate*

*Signature of Returning Officer*

*MISAPA JULIUS*

**Returning Officer**

21-05-2026

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(*Civil Jurisdiction*)

2026/HP/018

IN THE MATTER OF: THE PARLIAMENTARY ELECTION PETITION FOR LUBANSENSHI CONSTITUENCY SITUTE IN THE LUWINGU DISTRICT IN THE NORTHERN PROVINCE OF ZAMBIA HELD ON 13TH AUGUST, 2026

AND

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016

AND

IN THE MATTER OF: SECTION 81 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF: SECTIONS 83 AND 87 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016

AND

IN THE MATTER OF: SECTIONS 97, 98 AND 99, 100 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF: THE SCHEDULE TO THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO. 52 OF 2011

AND

IN THE MATTER OF: THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016

BETWEEN:

INNOCENT MULENGA KOLALA — PETITIONER

AND

GEORGE K. MWAMBA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

REGISTRY OF ZAMBIA
HIGH COURT OF ZAMBIA
PRINCIPAL REGISTRY
P.O. BOX 50067, LUSAKA

## 2ND RESPONDENT'S SKELETON ARGUMENTS

May it please this Honorable Court.

These are the 2nd Respondent's Skeleton Arguments in opposition to the Petition herein.

The 2nd Respondent conducted the General Elections of 13th August 2026 for the Lubansenshi Constituency Parliamentary seat, in the Luwingu District of the Northern Province of Zambia. The results, as consolidated and verified at the totalling centre at the Luwingu Youth Skills Centre, were declared on 15th August, 2026 wherein the 1st Respondent received 4, 312 votes, the Petitioner received 4, 301 votes and Chewe T. Kabwe received 2, 010 votes.

The Petition alleges (i) that votes cast for the Petitioner at certain polling stations were "found in other boxes" and disregarded, and that votes for the Petitioner were rejected at Kaseya Polling Station without reasons; (ii) threats against the Petitioner's agents; (iii) bribery, treating and inducement of voters by the 1st Respondent and his agents; (iv) defamatory utterances against the Petitioner; and (v) a prayer that the 2nd Respondent be ordered to conduct a recount of the ballots.

My Lord/My Lady, the 2nd Respondent submits that there was no incident of the nature alleged by the Petitioner that was reported by any ECZ official at any polling station. Further, there was no protest or complaint registered by the Petitioner or his accredited agents at any stage of the voting, counting, consolidation or declaration.

My Lord/My Lady, the Petitioner was personally present at the totalling centre throughout the consolidation and departed only after receiving his copy of the Record of Proceedings without objection, and no report of malpractice was received from any stakeholder, observer or member of the public.

My Lord/My Lady, we wish to place reliance on **Section 97 (2) and (4) of the Electoral Process Act No. 35 of 2016** which provides that:

*(2) The election of a candidate as a Member of Parliament, mayor, council chairperson or councillor shall be void if, on the trial of an election petition, it is proved to the satisfaction of the High Court or a tribunal, as the case may be, that –*

*(a) a corrupt practice, illegal practice or other misconduct has been committed in connection with the election –(i) a candidate; or (ii) with the knowledge and consent or approval of a candidate's election agent or polling agent; and Majority of voters in a constituency, district or ward were or may have been prevented from electing the candidate in that constituency, district or ward whom they preferred;*

*(b) subject to the provisions of subsection (4), there has been non-compliance with the provisions of this Act relating to the conduct of elections, and it appears to the High Court or tribunal that the election was not conducted in accordance with the principles laid down in such provision and that such non-compliance affected the result of the election; or (c) the candidate was at the time of the election a person not qualified or a person disqualified for election.*

Section 97 (4) further provides that:

*(4) An election shall not be declared void by reason of any act or omission by an election officer in breach of that officer's official duty in connection with an election if it appears to the High Court or a tribunal that the election was so conducted as to be substantially in accordance with the provisions of this Act, and that such act or omission did not affect the result of that election.*

My Lord/My Lady, it is plain from the above provisions that there is a threshold that ought to be met for an election to be nullified or for votes to be recounted. The above provisions show that it is not enough to prove that irregularities did occur, the Petitioner must also prove that the said

irregularities were of such magnitude and effect that majority of the voters in the particular constituency were disenfranchised and prevented from electing their candidate of choice.

In essence, the law states that the election shall not be declared void by reason of any act or omission of an election officer in breach of official duty where the election was conducted substantially in accordance with the Act and the act or omission did not affect the result.

In the present case, the Petitioner also made allegations concerning bribery and illegal practices which are outside the knowledge of the 2nd Respondent. However, no such incidences were reported to, or witnessed by any officials of the 2nd Respondent at the material time. It is not alleged, nor does the record show that any officials of the 2nd Respondent participated in, condoned or had knowledge of the alleged practices.

My Lord/My Lady, in the **SUPREME COURT** case of **AKASHAMBATWA MBIKUSITA LEWANIKA & OTHERS V FREDRICK JACOB TITUS CHILUBA SCZ Judgement No. 14 of 1998,** it was stated that:

***"....it cannot be seriously disputed that parliamentary elections petition have generally long required to be proved to a standard higher than on a mere balance of probability. It follows, therefore, that in this case where the petition has been brought under constitutional provisions and would impact upon the governance of the nation ..... no less a standard of proof is required. It follows also [that] the issues raised are required to be established to a fairly high degree of convincing clarity."***

My Lord/My Lady, the 2nd Respondent submits that allegations of electoral malpractice must be proved to a standard higher that the ordinary balance of probabilities. In the above case, the Supreme Court acknowledged electoral flaws yet refused to annul because the irregularities did not "affect the result in a substantial manner".

In light of the present case, no incident of ballot papers being "found in other boxes," of votes for the Petitioner being rejected at Kaseya, or of threats against the Petitioner's agents was reported by any ECZ official deployed to the affected polling stations during the voting, counting or tallying phases. No objection, protest or complaint was raised by the Petitioner or his accredited agents at the material time, despite their presence throughout the electoral process.

Furthermore, no communication or complaint was received from any party agent, observer or member of the public. In the absence of contemporaneous objections, these claims ought to be treated with the utmost caution.

My Lord/My Lady, it is also worth noting that the Petitioner has not quantified his case. He does not state how many ballot papers were allegedly disregarded, at which polling stations, in whose presence, or how the Record of Proceedings errs. An allegation incapable of precise verification cannot meet the standard of convincing clarity, and an unquantified allegation cannot discharge the burden of showing that the result, whatever the margin, was affected.

Further reliance is placed on the **SUPREME COURT** case of **ANDERSON KAMBELA MAZOKA & OTHERS V LEVY PATRICK MWANAWASA & OTHERS [SCZ EP1/2002] (2005) ZMSC 25** in which the Supreme Court stated that, ***"The standard of proof must depend on the allegations pleaded..... the proven defects must be such that the majority of the voters are prevented from electing the candidate whom they preferred; or that the election is so flawed that the defects seriously affect the result which can no longer reasonably be said to represent the true free choice and free will of the majority of the voters.***

In the above case, the Supreme Court *admitted electoral flaws, yet dismissed the petition because it could not be proven that the defects were such that majority of the voters were prevented from electing the candidate whom they preferred.*

In the present case, the Petitioner has proved no link between the alleged incidents and the votes lawfully cast, counted and tallied at any polling station, nor is there any basis to conclude that the majority of voters in the constituency were prevented from electing their preferred candidate.

This reasoning was affirmed by the **CONSTITUTIONAL COURT** in the case of **SIBONGILE MWAMBA VS KELVIN SAMPA AND THE ELECTORAL COMMISSION OF ZAMBIA SELECTED JUDGMENT NO 57 OF 2017** where the Constitutional Court dismissed the appeal and upheld the decision of the High Court not to nullify the election of Kelvin Sampa as Member of parliament for Kasama Central on page J49 the Constitutional Court stated as follows:

***"The evidence of the irregularities alleged on the part of the 2nd Respondent (Electoral Commission of Zambia) fell short of satisfying section 97 (2) (b) of the Act as they did not affect the election result and there was no proof that the election was not substantially conducted in compliance with the Act."***

My Lord/ My Lady we submit with much strength, that even though the Constitutional Court acknowledged irregularities on the part of the conduct of the Elections by the Electoral Commission of Zambia that did not entail an automatic nullification of the results. The Petitioner must proof to the requisite very high evidentiary standard that not only where there irregularities but the said irregularities went to the root of the election and affected the overall result of the election. My Lord/ My Lady ironically we note that even the Petitioner in the case in casu, has relied upon the same High Court decision in the case of **SIBONGILE MWAMBA VS KELVIN SAMPA 2016/HP/EP/0040** where the High Court dismissed the Petition against the election and that decision was confirmed by the Constitutional Court in the case cited above.

My Lord/My Lady, the Petitioner has also prayed for the recounting of the votes. **Section 70 of the Electoral Process Act** provides that;

*(1) An election or polling agent may object to an alleged inaccuracy in the counting of the votes or the announcement of a result under section seventy-one. (2) An objection under subsection (1) shall be made to a presiding officer, in the prescribed form, at any stage before the presiding officer has announced the result.*

According to the above provision, a recount is not a remedy available to a Petitioner as of right. Section 70 of the Act confers the right to object to an alleged inaccuracy in counting at any stage before the presiding officer announces the result of a polling station. That statutory window closed at each polling station when the results were counted, recorded on the polling station results forms, and publicly announced without objection. In the present case, no objections were lodged at polling stations, no disputes were documented at the totalling centre, no reports of malpractice were received, and the Petitioner accepted the Record of Proceedings and departed without protest.

In light of the foregoing reasons, the 2nd Respondent respectfully submits that the Petitioner has not established, to the requisite standard, or any ground warranting the nullification of the election for the Lubansenshi Constituency. The allegations of bribery, treating and inducement are outside the 2nd Respondent's knowledge and in any event, fall short of the statutory threshold of affecting the majority of the electorate. To grant a recount on the Petitioner's assertions would undermine the finality and integrity of the electoral process. We therefore pray that the Petition be dismissed with costs.

Dated this……..day of……2026

Drawn by:.....

**Messrs Chanza Sikazwe Advocates**
Plot 1721/M/H Main Street, Ibex Hill
P.O. Box Postnet Kabulonga Box 217
Lusaka
Email:cksikazwe@csalaws.com
Mobile:+260977823133

**ADVOCATES FOR 2ND RESPONDENT**

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA

2026/EP/018




(Civil Jurisdiction)

IN THE MATTER OF: THE PARLIAMENTARY ELECTION PETITIONFOR LUBANSENSHI CONSTTUENCY SITUATE IN THE LUWINGU DISTRICT IN THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026

AND

IN THE MATTER OF: ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016

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BETWEEN:

**INNOCENT MULENGA KOLALA** **PETITIONER**

**AND**

**GEORGE K MWAMBA** **1st RESPONDENT**

**ELECTORAL COMMISSION OF ZAMBIA** **2nd RESPONDENT**

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# SKELETON ARGUMENTS AND LIST OF AUTHORITIES IN SUPPORT OF SUMMONS FOR AN ORDER TO FILE SUPPLEMNTARY LIST AND BUNDLE OF DOCUMENTS

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## LIST OF AUTHORITIES

### LEGISLATION

1. High Court Rules, Chapter 27 of the Laws of Zambia

### CASES

1. Zambia Railways Board and Another vs. Fluck (1973) Z.R. 319 (S.C).

## 1.0 INTRODUCTION

**1.1** **IF IT MAY PLEASE THIS HONOURABLE COURT**, these are the Petitioner's Skeleton Arguments in support of an application for an order for Leave to file a Supplementary List and Bundle of Documents.

## 2.0 BACKGROUND

**2.1** On 28th August 2026 the Petitioner herein issued the Petition against the 1st and 2nd Respondents.

**2.2** The Petitioner also filed his List and Bundle of Documents on 28th August 2026.

## 3.0 THE LAW

**3.1** My Lord/ My Lady, **Order 3 Rule 2 of the High Court Rules, Chapter 27 of the Laws of Zambia** provides as follows:

***"Subject to any particular rules, the Court or a Judge may, in all causes and matters, make any interlocutory order which it or he considers necessary for doing justice, whether such order has been expressly asked by the person entitled to the benefit of the order or not."***

My Lord/ My Lady, on the strength of Order 3 Rule 2 of the High Court Rules, we submit that this Honourable Court has the power to grant leave to allow the Petitioner to file a supplementary List and Bundle of Documents in circumstances presented in the Affidavit in support of this application.

**3.3** My Lord/ My Lady, in the case of **Zambia Railways Board and Another vs. Fluck (1973) Z.R. 319 (S.C)**, the Supreme Court in its *obiter dicta* concurred with the Supreme Court Practice rules 1973 Editors' explanatory notes on Order 20 Rules 5 dealing with exercise of discretion in relation to the court's power to amend, which in turn cited the dictum of Bowen, L.J., in **Copper v Smith** when he took the view that:

***"It is a well-established principle that the object of the court is to decide the rights of the parties, and do not exist to punish them for mistakes they make in the conduct of their cases by deciding otherwise than in accordance with their rights. I know of no kind of error or mistake which, if not fraudulent or intended to overreach, the court ought not to correct, if it can be done without injustice to the other party."***

My Lord/ My Lady, from the foregoing above, we submit that it is in the interest of justice that the Petitioner be granted leave to file a supplementary list and bundle of documents to enable it ably to defend itself and to argue its counter claim.

**3.4** Further we submit that the Respondents herein will not suffer any prejudice if the Petitioner is granted leave to file Supplementary List and Bundle of Documents as trial has not yet commenced.

## 4.0 CONCLUSION

**4.1** My Lord/ My Lady, the Petitioner craves the indulgence of this Honourable Court to grant the application as it wishes to rely on the said documents during the trial of this matter.

**4.2** We submit that this is an appropriate case for this Honourable Court to exercise its discretion and allow the Petitioner to file a Supplementary List and Bundles of Documents and pray that costs be in the cause.

**We are most obliged**

Dated this.....day of .....2026

**Drawn by:** .....

**Messrs PNP Advocates**
Plot No. 28 Mpulungu Road
P.O Box 50034
Email:*pnpadvocates1@gmail.com*
**(ADVOCATES FOR THE PETITIONER)**

**IN THE HIGH COURT FOR ZAMBIA**
**AT THE PRINCIPAL REGISTRY**
**HOLDEN AT LUSAKA**
**(*Civil Jurisdiction*)**

**2026/HP/EP018**

| | |
|---|---|
| **IN THE MATTER OF:** | **THE PARLIAMENTARY PETITION FOR LUBANHSENSHI CONSITITUENCY SITUATE IN THE LUWINGU DISTRICT IN THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST, 2026** |
| **IN THE MATTER OF:** | **ARTICLE 73 (1) THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 ( C ) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016** |
| **IN THE MATTER OF:** | **SECTION 81 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016** |
| **IN THE MATTER OF:** | **SECTION 83 AND 87 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016** |
| **IN THE MATTER OF:** | **SECTIONS 97, 98 AND 99 OF THE ELECTORAL PROCESS NO. 35 OF 2016** |
| **IN THE MATTER OF:** | **THE SCHDULE TO THE ELECTORAL PROCESS ACT NO. 35 OF 2016** |
| **IN THE MATTER OF:** | **THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011** |
| **IN THE MATTER OF:** | **THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016** |

**BETWEEN:**

**INNOCENT MULENGA KOLALA** — **PETITIONER**

**AND**

**GEORGE K. MWAMBA** — **1ST RESPONDENT**

**ELECTORAL COMMISSION OF ZAMBIA** — **2ND RESPONDENT**

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 07 SEP 2026 PRINCIPAL REGISTRY P.O. BOX 50067, LUSAKA

---

**THE 2ND RESPONDENT'S AFFIDAVIT IN OPPOSITION**

---

**I, JULIUS MISAPA CHIKONKOLO** a Zambian National and District Standards Officer with Ministry of Education, residing in Chelston Township, Luwingu District in the Northern

Province of the Republic of Zambia **DO HEREBY MAKE OATH AND SAY AS FOLLOWS**:

1. That my particulars are stated above.
2. That I was the Returning Officer for the Parliamentary Election in Lubanshenshi Constituency engaged by the 2nd Respondent and therefore competent to swear this my affidavit from facts known to me personally and on record.
3. That I have read what purports to be the Affidavit verifying the Petition sworn by the Petitioner herein and respond thereto on behalf of the 2nd Respondent as hereunder.
4. That the Petitioner was a candidate in the Parliamentary Election for Lubanshenshi Constituency of which he participated with other candidates that were duly nominated.
5. That as it relates to paragraphs 1 to 10 of the Affidavit verifying Petition those matters are outside my sphere of knowledge.
6. That on 13th August, 2026 to my knowledge and belief, the 2nd Respondent conducted the electoral proceedings in Lubanshenshi Constituency in a peaceful, orderly and fully transparent manner.
7. That there were no objections, and no reports of any irregular incidences of votes being disregarded because they were found in other boxes formally reported, to the 2nd Respondent through my office or any other official of the 2nd Respondent by any stakeholder, member of the public, the Petitioner or his accredited political agents as alleged by the Petitioner or at all.
8. That I deny that there was any rejection of votes without proper reasons in Kaseya Mushitu Ward as alleged by the Petitioner or at all.
9. That despite the Petitioner and his polling agents being present through the whole process there was no irregular occurrence reported by the Petitioner and his political agents to myself or any of the staff of the 2nd Respondent that were deployed to that polling stations at the material time despite being present throughout the electoral process.
10. That the Petitioner was present at the Totaling Centre (Luwingu Youth Skill Centre) but did not raise any grievance to me or any of the 2nd Respondent's officials.
11. That upon completion of consolidation of results from all polling stations in Lubanshenshi Constituency I proceeded on behalf of the 2nd Respondent in accordance with statutory requirements to print and execute the requisite declaration

forms and supporting documentation for the official announcement, declaration of results and subsequent transmission to the civic centre.

12. That the Petitioner and his political agents were present throughout this entire electoral process and only decided to depart from the Totaling Centre in Lubansenshi after receiving copies of the Record of Proceedings.

13. That I verily believe that the Petitioner is not entitled to any of the reliefs which he seeks due to the fact that his claims are unsupported by evidence, speculative and uncorroborated.

14. That the Petitioner enjoyed the full participation and observation rights at every stage of the electoral process which was conducted in a peaceful, transparent and procedurally compliant manner.

15. That I depose to the facts stated herein believing the same to be true and correct to the best of my knowledge and belief.

Sworn by the said )
**JULIUS MISAPA CHIKONKOLO**).....
at LSK this 7 )
Day of Sept 2026 )

**Deponent**

**Before Me:**.....
**COMMISSIONER OF OATHS**

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
07 SEP 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA



CamScanner

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
10 SEP 2026
PRINCIPAL REGISTRY 7
P.O. BOX 50067, LUSAKA

**0IN THE HIGH COURT FOR ZAMBIA** **2026/EP/018**
**AT THE PRINCIPAL REGISTRY**
**HOLDEN AT LUSAKA**
**(Civil Jurisdiction)**

**IN THE MATTER OF: THE PARLIAMENTARY ELECTION PETITIONFOR LUBANSENSHI CONSTTUENCY SITUATE IN THE LUWINGU DISTRICT IN THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026**

**AND**

**IN THE MATTER OF: ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

**AND**

**IN THE MATTER OF: SECTION 81 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

**AND**

**IN THE MATTER OF: SECTION 83 AND 87 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

**AND**

**IN THE MATTER OF: SECTIONS 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

**AND**

**IN THE MATTER OF: THE SCHEDULE TO THE ELECTORAL PROCESS ACT NO 35 OF 2016**

**AND**

**IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO.52 OF 2011**

**AND**

**IN THE MATTER OF: THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016**

**BETWEEN:**

**INNOCENT MULENGA KOLALA** **PETITIONER**

**AND**

**GEORGE K MWAMBA** **1ST RESPONDENT**

**ELECTORAL COMMISSION OF ZAMBIA** **2ND RESPONDENT**

---

**AFFIDAVIT IN REPLY TO 1ST RESPONDENT'S AFFIDAVIT IN OPPOSITION TO THE PETITION**

---

I, **INNOCENT MULENGA KOLALA** a Zambian national of Plot No. 226/227, Kwamwena, Meanwood Chamba Valley, in the Lusaka District, in the Lusaka

Province of the Republic of Zambia do hereby **MAKE OATH** and **SAY** as follows:

1. That my particulars are as stated above.

2. That I am a Petitioner herein therefore competent to depose to this Affidavit based on the facts known to me.

3. That I have read the facts deposed by one **GEORGE K MWAMBA** and respond as follows;

4. Paragraph 1 is not in contention.

5. The Petitioner denies Paragraph 2 and maintains that there were a lot of valid ballots which were not counted such as those found in other ballot boxes instead of Parliamentary boxes and the same where unlawfully rejected.

6. That as regards to Paragraph 3, the Petitioner maintains that the 1st Respondent and the Agents for the 1st Respondent were engaged in misconduct which duly influenced the voters and what the initial intention for the money used to bribe the electorate is immaterial.

7. That as for Paragraph 4, the Petitioner maintains that the Respondent was seen giving money to the Headman through his agents.

8. That as regards Paragraph 5 of the Respondent's Answer, the Petitioner reiterates that the Respondent was seen giving money to known Civil Servants.

9. The Petitioner denies Paragraph 6 of the Respondent's Answer and maintains that the Respondent was seen giving food to would be voters.

10. Paragraph 7 and 13 of the 1st Respondent's Answer is denied; the Petitioner maintains that the 1st Respondent was seen distributing money for the sole purpose of inducing or influencing would be voters personally and through his known agents.

11. In response to the contents of paragraph 8 of the 1st respondent's affidavit in opposition to the petition, the Petitioner avers that the 1st Respondent and his agents exerted undue influence on voters to vote for him, as seen in his provision of food items and money.

12. As of Paragraph 9 of the 1st Respondent's Answer, the Petitioner wishes to clarify that it is the 1st Respondent and his agents that perpetrated the violence on the instruction of the 1st Respondent. It is not the 1st Respondent's polling agents that were threatened but the Petitioners' and the violence affected the results of the election.

13. In response to paragraph 10, the Petitioner maintains that the Respondent and his agents did give goats and food to would be voters on the instruction of the 1st Respondent. Further, the Petitioner states that the Parliamentary election was not free and fair as the Respondent was involved in a lot of malpractice.

14. The Petitioner disagrees with Paragraph 11 of the Affidavit in opposition and states that the Respondent did not fully comply with all applicable laws and regulations governing the electoral process in Zambia.

15. The Petitioner disputes the contents of Paragraph 12 and 13 and further states that the 1st Respondent was not validly elected as.

16. In response to paragraph 14 of the 1st Respondent's Affidavit in Opposition, the Petitioner maintains that the 1st Respondent uttered the words that the Petitioner was a mad man and that he killed his wife.

17. The Petitioner denies paragraphs 15 and 16 and reiterates that the applicable laws, rules and regulations governing the electoral process were not followed, the elections were not free and fair making the Petitioner entitled to the reliefs sought.

**SWORN** by the said **INNOCENT )**
**MULENGA KOLALA** at Lusaka )
This....10....day of..Sept...2026 )

**DEPONENT**

Before me:.....
**COMMISSIONER FOR OATHS**

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA




**IN THE HIGH COURT FOR ZAMBIA** **2026/EP/018**
**AT THE PRINCIPAL REGISTRY**
**HOLDEN AT LUSAKA**

**(Civil Jurisdiction)**

**IN THE MATTER OF:** **THE PARLIAMENTARY ELECTION PETITIONFOR LUBANSENSHI CONSTTUENCY SITUATE IN THE LUWINGU DISTRICT IN THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026**

**AND**

**IN THE MATTER OF:** **ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

**AND**

**IN THE MATTER OF:** **SECTION 81 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

**AND**

**IN THE MATTER OF:** **SECTION 83 AND 87 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

**AND**

**IN THE MATTER OF:** **SECTIONS 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

**AND**

**IN THE MATTER OF:** **THE SCHEDULE TO THE ELECTORAL PROCESS ACT NO 35 OF 2016**

**AND**

**IN THE MATTER OF:** **THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO.52 OF 2011**

**AND**

**IN THE MATTER OF:** **THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016**

**BETWEEN:**

**INNOCENT MULENGA KOLALA** **PETITIONER**

**AND**

**GEORGE K MWAMBA** **1st RESPONDENT**

**ELECTORAL COMMISSION OF ZAMBIA** **2nd RESPONDENT**

# AFFIDAVIT IN SUPPORT OF *EXPARTE* SUMMONS FOR LEAVE TO FILE A SUPPLEMENTARY LIST AND BUNDLE OF DOCUMENTS

I, **INNOCENT MULENGA KOLALA** a Zambian national of Plot No. 226/227, Kwamwena, Meanwood Chamba Valley, in the Lusaka District, in the Lusaka Province of the Republic of Zambia do hereby **MAKE OATH** and **SAY** as follows:

1. That my particulars are as stated above.
2. That I am a Petitioner herein therefore competent to depose to this Affidavit based on the facts known to me.
3. That as the record will show, on 28th August 2026, my Advocates filed a Bundle of Documents into court.
4. That I have discovered further documents that were inadvertently left out of the List of Documents and subsequently from the List and Bundles of Documents and that I wish to rely upon them to support claims in this matter.
5. That I wish to file Supplementary List and Bundle of Documents as the documents will help the court to fully understand the context of the case. Now produced and showed to me and marked **"IMK 1"** is the Supplementary List and Bundle of Documents I wish to rely on.
6. That I verily believe that the Respondents herein will not be prejudiced in any way if leave to file a Supplementary Bundle of Documents is granted as it is in the interest of justice that all relevant documents be produced before this Honourable Court in order for the Court to fully appreciate the facts leading to the dispute between the parties.
7. That I depose to the foregoing verily persuaded by its veracity.

That I depose to the facts herein stated believing the same to be true and correct to the best of my knowledge and belief.

**SWORN** by the said **INNOCENT** )
**MULENGA KOLALA** at Lusaka )
This....10.....day of...Sept...2026 )

**DEPONENT**

Before me:.....

**COMMISSIONER FOR OATHS**

REPUBLIC OF
HIGH COURT ... ...IA
10 ...
COMMISSIONER FOR OATHS
1 P.O. BOX 50067, LUSAKA

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA

2026/HP/ 018




(Civil Jurisdiction)

IN THE MATTER OF: THE PARLIAMENTARY ELECTION PETITIONFOR LUBANSENSHI CONSTTUENCY SITUATE IN THE LUWINGU DISTRICT IN THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026

AND

IN THE MATTER OF: ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016

AND

IN THE MATTER OF: SECTION 81 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016

AND

IN THE MATTER OF: SECTION 83 AND 87 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016

AND

IN THE MATTER OF: SECTIONS 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016

AND

IN THE MATTER OF: THE SCHEDULE TO THE ELECTORAL PROCESS ACT NO 35 OF 2016

AND

IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO.52 OF 2011

AND

IN THE MATTER OF: THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016

BETWEEN:

**INNOCENT MULENGA KOLALA** **PETITIONER**

**AND**

**GEORGE K MWAMBA** **1st RESPONDENTS**

**ELECTORAL COMMISION OF ZAMBIA** **2nd RESPONDENTS**

---

**AFFIDAVIT VERIFYING PETITION**

---

I, **INNOCENT MULENGA KOLALA** a Zambian national and ordinarily resident at plot no. 226/227, Kwamwena, Meanwood Chamba valley in the Lusaka District, in the Lusaka Province of the Republic of Zambia do **MAKE OATH** and **SAY:**

1. That I was a candidate in the Parliamentary election for the Lubansenshi Constituency situate in the Luwingu District of the Nothern Province of the Republic of Zambia having duly filed my nomination in May 2026.
2. That Lubansenshi Parliamentary Constituency consists of six (6) Wards.
3. That Lubansenshi Parliamentary Constituency is wholly in Luwingu District, and the respondent unduly influenced voters in the constituency to vote for him and perpetrated bribery of voters not to vote for me and these acts affected the constituency.
4. That two political parties validly filed their nominations for the said elections, including one (1) independent candidate who is the Petitioner, the United Party for National Development (UPND) whose candidate was

**Kabwe T Chewe** (male); the National Reconciliation party for unity and prosperity (NRPUP) whose candidate was **George K Mwamba** (male).

5. That the campaigns in Lubansenshi constituency were characterized by bribery as the Respondent and his agents, gave money to voters to induce the voters to vote for him. Before Poll Day, food was cooked in various Wards and given to would be voters.
6. That the voters in Lukutu Ward were provided with sums of money and nshima after voting.
7. That in Isangano Ward, food to entice voters to vote for the respondent and with his knowledge was given to voters.
8. That the Respondent and his agents, by duress or fraudulent device or contrivance, prevented the free exercise of the vote of older voters in a majority of wards in the constituency when they informed the voters that the petitioner was a bad and violent person.
9. That the Respondent and his agents, with the knowledge of the respondent, distributed animals in form of goats and cooking oil in some wards of the constituency for the benefit of the voters in order to induce them to vote for the respondent during the election.
10. That the aforesaid acts of illegalities were widespread and affected the majority voters in all the wards that constitute Lubansenshi Constituency resulting in the prevention of the majority of voters from voting for a candidate whom they preferred, and they were perpetrated by the respondent or his agents with his knowledge.
11. That there was widespread non-compliance on both Electoral Process Act and the Electoral Code of Conduct as the Respondent and

his sponsoring Party the NRPUP took advantage of the electorate's desperate economic conditions to induce them to vote for the Respondent.

12. That on Saturday, the 15th day of August 2026 the Returning Officer declared the Respondent George K Mwamba as duly elected Member of Parliament for Lubansenshi Parliamentary Constituency. Now produced and shown to me and collectively marked **"IMK1"** are ECZ Forms 19 and 21 evidencing the foregoing.

13. That the results of the Lubansenshi Parliamentary Elections were as follows:

i) **George K Mumba** of National Reconciliation Party for Unity and Prosperity (NRPUP) received **4,312** votes;
ii) **Innocent Mulenga Kolala** (INDEPENDENT) received **4,301** votes;
iii) **Chewe T Kabwe** of the United Party for National Development (UPND) received **2010** votes;
iv) 349 votes were rejected as invalid;
v) Total number of votes cast were **10972 votes**.

14. That the Respondent was not validly elected due to the illegal practices he perpetrated or his agents and with his knowledge whereby most of the voters in the constituency and polling stations were prevented or enticed to avoid electing me as Member of Parliament for Lubansenshi Constituency.

15. That the contents of this my said affidavit are true to the best of my knowledge and belief.

**SWORN** by the said )
**INNOCENT MULENGA KOLALA** )
At Lusaka this 28th day of )
.....AUGUST.....2026 )

DEPONENT

**BEFORE ME**:.....
**COMMISSIONER FOR OATHS**

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
28 AUG 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
10 SEP 2026
PRINCIPAL REGISTRY
P.O. BOX 50067, LUSAKA.

**IN THE HIGH COURT FOR ZAMBIA** **2026/EP/018**
**AT THE PRINCIPAL REGISTRY**
**HOLDEN AT LUSAKA**
**(Civil Jurisdiction)**

**IN THE MATTER OF: THE PARLIAMENTARY ELECTION PETITIONFOR LUBANSENSHI CONSTTUENCY SITUATE IN THE LUWINGU DISTRICT IN THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026**

**AND**

**IN THE MATTER OF: ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

**AND**

**IN THE MATTER OF: SECTION 81 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

**AND**

**IN THE MATTER OF: SECTION 83 AND 87 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

**AND**

**IN THE MATTER OF: SECTIONS 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

**AND**

**IN THE MATTER OF: THE SCHEDULE TO THE ELECTORAL PROCESS ACT NO 35 OF 2016**

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**IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO.52 OF 2011**

**AND**

**IN THE MATTER OF: THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016**

**BETWEEN:**

**INNOCENT MULENGA KOLALA** **PETITIONER**

**AND**

**GEORGE K MWAMBA** **1ST RESPONDENT**

**ELECTORAL COMMISSION OF ZAMBIA** **2ND RESPONDENT**

---

**REPLY TO 1ST RESPONDENT'S ANSWER**

---

The **PETITIONER** responds as follows to the 1ST Respondent's Answer:

1. Paragraph 1 of the 1st Respondent's Answer is not in contention.

2. The Petitioner denies Paragraph 1 of the Answer and maintains that a lot of valid votes where disregarded under the pretext that they were found in other ballot boxes and not the Parliamentary box.

3. Paragraph 2 of the 1st Respondent's Answer is denied and the Petitioner states that there was a lot of bribery that occurred leading and during the Voting day.

4. The Petitioner denies Paragraph 4 of the 1st Respondents Answer and maintains that the 1st Respondent gave money to Headman Evaristo Chanda for distribution to would be voters and for purchases of food for voters and this will be proved at trial.

5. The Petitioner denies Paragraph 5 and 6 of the 1st Respondent's Answer and maintains that a named civil servant was given money and as indicated above he did buy food staffs for the voters.

6. In response to Paragraph 7 of the 1st Respondents Answer, the Petitioner states that the 1st Respondent provided resources to would be voters and this helped to give an advantage in convincing voters.

7. As of paragraph 8 of the 1st Respondent's Affidavit in Opposition, the Petitioner maintains his agents worked under duress and this affected decisions of voters especially the old.

8. In response to paragraph 9, the Petitioner maintains that the said violence affected the results of the August election.

9. Paragraph 10 of the 1st Respondents Answer is denied and the Petitioner states that the provision of food to would be voters enabled the voters to perceive the 1st Respondent as a good person at the expense of the Petitioner.

10. Paragraph 11 of the 1st Respondents Answer is denied, and it is stated that there were of illegalities that came up before and during the election.

11. Paragraph 12 of the 1st Respondent is denied and states that the 1st Respondent was not duly elected.

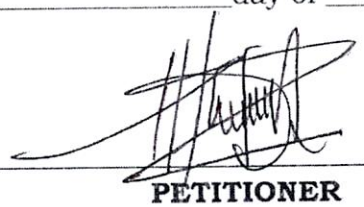
12. In response to Paragraph 13 of the 1st Respondent's Answer, the Petitioner maintains that the conduct of the 1st Respondent influenced and enticed voters.

13. In response to Paragraph 14 of the 1ST Respondent's Answer, the Petitioner maintains states that the 1ST Respondent uttered the words referred and informed voters during campaigns that the Petitioner murdered his deceased wife.

14. The Petitioner denies Paragraph 15 of the statement of claim and states that the election was not free and fair.

15. In response to the 1st Respondents Paragraph 16, the Petitioner maintains that he is entitled to the Reliefs contained in his Petition.

Dated this_____day of _____2026



**PETITIONER**

This Petition was settled by:

**Messrs PNP Advocates**
No. 28 Mpulungu Road
Olympia Park
P.O Box 50034
pnpadvocates1@gmail.com
LUSAKA
(**Advocates for the Petitioner**)

TO: **Messrs Emmanuel and Onesimus**
**Legal Practitioners**
Villa 38, Millenium Village
Off Birdcage Road
Longacres
P.O Box 51128
Lusaka
**(Advocates for the1st Respondent)**

**IN THE HIGH COURT FOR ZAMBIA**
**AT THE PRINCIPAL REGISTRY**
**HOLDEN AT LUSAKA**
**(*Civil Jurisdiction*)**

**2026/HP/EP018**

| | |
|---|---|
| **IN THE MATTER OF:** | **THE PARLIAMENTARY PETITION FOR LUBANHSENSHI CONSITITUENCY SITUATE IN THE LUWINGU DISTRICT IN THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST, 2026** |
| **IN THE MATTER OF:** | **ARTICLE 73 (1) THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 ( C ) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016** |
| **IN THE MATTER OF:** | **SECTION 81 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016** |
| **IN THE MATTER OF:** | **SECTION 83 AND 87 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016** |
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| **IN THE MATTER OF:** | **THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011** |
| **IN THE MATTER OF:** | **THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016** |

**BETWEEN:**

**INNOCENT MULENGA KOLALA** — **PETITIONER**

**AND**

**GEORGE K. MWAMBA** — **1ST RESPONDENT**

**ELECTORAL COMMISSION OF ZAMBIA** — **2ND RESPONDENT**

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
07 SEP 2026
PRINCIPAL REGISTRY B
P.O. BOX 50067, LUSAKA.

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## THE 2ND RESPONDENT'S ANSWER

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The 2nd Respondent responds as follows to the Petition filed herein:

1. As regards Paragraph 6 of the Petition, the 2nd Respondent shall aver that the Petitioner's claim is without foundation. The 2nd Respondent shall state that no such incidence of votes being disregarded because they were found in other boxes was ever formally reported to the 2nd Respondent by any stakeholder, member of the public, the Petitioner or his accredited political agents as alleged or at all. Furthermore, the 2nd Respondent shall state at trial that the electoral proceedings were conducted in a peaceful orderly and fully transparent manner. The 2nd Respondent shall aver that these claims were an afterthought from the Petitioner and not a reality at the time during the election process.
2. In connection with paragraph 13 of the Petition, the 2nd Respondent denies that there was any rejection of votes without proper reasons in Kaseya Mushitu Ward as alleged or at all. The 2nd Respondent shall aver at trial that no occurance was reported by the Petitioner and his political agents to the staff of the 2nd Respondent that were deployed to that polling station at the material time despite being present throughout the electoral process. Additionally, the 2nd Respondent shall state that the Petitioner was present at the Totaling Centre (Luwingu Youth Skill Centre) but did not raise any grievance to the 2nd Respondent's officials. The failure of the Petitioner to raise the concerns at the material time gives rise to the lack of credibility of the claim.
3. The 2nd Respondent shall state at trial that upon completion of consolidation of results from all polling stations in Lubanshenshi Constituency the 2nd Respondent proceeded in accordance with statutory requirements to print and execute the requisite declaration forms and supporting documentation for the official announcement, declaration of results and subsequent transmission to the civic centre. Further, the Petitioner and his political agents were present throughout this entire process and only decided to depart from the Totaling Centre after receiving copies of the Record of Proceedings.
4. The 2nd Respondent shall aver at trial that the Petitioner is not entitled to any of the reliefs which he seeks due to the fact that his claims are unsupported by evidence, speculative and uncorroborated.
5. The 2nd Respondent shall further state that the Petitioner enjoyed the full participation and observation rights at every stage of the electoral process which was conducted in a peaceful, transparent and procedurally compliant manner and therefore the Court should uphold the election as being the representation of the sovereign will of the electorate in Lubanshenshi Constituency.

6. As it relates to paragraphs 1,2,3,4,5,7,8,9,10,11, 12, 14,15, 18,19, 20 of the Petition the 2nd Respondent shall state that these are in the peculiar knowledge of the Petitioner and the Petitioner shall be put to strict proof of all these matters.

7. Save where expressly admitted, the 2nd Respondent denies each and every allegation contained in the Petition as if the same were set out separately and denied seriatim.

Dated this.....day of.....2026

.....

**THE 2ND RESPONDENT**

Drawn by: .....

**Messrs. Chanza Sikazwe Advocates**
Plot 1721M/H Main Street,
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**ADVOCATES FOR THE 2nd RESPONDENT**

**To: THE PETITIONER AND HIS ADVOCATES**
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**To: THE FIRST RESPONDENT**
Mr. George K. Mwamba
**LUWINGU**



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